

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference A-22109/PCT/A	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/EP 00/10043	International filing date (day/month/year) 12/10/2000	(Earliest) Priority Date (day/month/year) 20/10/1999
Applicant CIBA SPECIALTY CHEMICALS HOLDING INC. et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☐ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (see Box II).

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No.
CT/EP 00/10043

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 C08F2/50 G03F7/029

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 C08F G03F

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

WPI Data, PAJ, CHEM ABS Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 386 650 A (LAMBERTI FLII SPA) 12 September 1990 (1990-09-12) cited in the application claims 1-3,9 page 13, line 3 page 3, line 25-27 page 4, line 10 page 4, line 21 page 4, line 38,39 page 12, line 35	1-3,5,6, 9-18
A	US 5 942 290 A (SALATHE RONALD ET AL) 24 August 1999 (1999-08-24) claims 1,2,5,6,8-11 example 3 column 2, line 22,23	1-18

-/-



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents:

- *"A" document defining the general state of the art which is not considered to be of particular relevance
- *"E" earlier document but published on or after the International filing date
- *"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *"O" document referring to an oral disclosure, use, exhibition or other means
- *"P" document published prior to the international filing date but later than the priority date claimed

- *"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- *"S" document member of the same patent family

Date of the actual completion of the international search

11 December 2000

Date of mailing of the international search report

27/12/2000

Name and mailing address of the ISA

European Patent Office, P.B. 5618 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Rose, E

INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP 00/10043

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 82 02894 A (STAYBOND PTY LTD) 2 September 1982 (1982-09-02) examples 2,6,14 ---	1-18
A	WO 99 07796 A (SERICOL LTD ;SMITH BRIAN (GB)) 18 February 1999 (1999-02-18) claim 1 -----	1-18

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP 00/10043

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 0386650	A	12-09-1990	IT 1228982 B AT 141621 T CA 2011555 A DE 69028128 D DE 69028128 T US 5168087 A	11-07-1991 15-09-1996 07-09-1990 26-09-1996 23-01-1997 01-12-1992
US 5942290	A	24-08-1999	AU 720186 B AU 3522697 A BR 9704552 A CA 2213886 A CN 1175583 A EP 0826692 A JP 10095788 A NO 973945 A SG 53043 A	25-05-2000 05-03-1998 01-09-1998 28-02-1998 11-03-1998 04-03-1998 14-04-1998 02-03-1998 28-09-1998
WO 8202894	A	02-09-1982	BR 8108983 A EP 0073750 A FI 823621 A, B,	25-01-1983 16-03-1983 25-10-1982
WO 9907796	A	18-02-1999	AU 3779397 A EP 1002024 A	01-03-1999 24-05-2000
JP 8311425	A	26-11-1996	NONE	

PATENT COOPERATION TREATY

PCT

From the INTERNATIONAL BUREAU

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

To:

CIBA SPECIALTY CHEMICALS HOLDING
INC.
Patentabteilung
Klybeckstrasse 141
CH-4057 Basel
SUISSE

Date of mailing (day/month/year) 24 January 2002 (24.01.02)	
Applicant's or agent's file reference A-22109/PCT/A	IMPORTANT NOTIFICATION
International application No. PCT/EP00/10043	International filing date (day/month/year) 12 October 2000 (12.10.00)

1. The following indications appeared on record concerning: <input checked="" type="checkbox"/> the applicant <input type="checkbox"/> the inventor <input type="checkbox"/> the agent <input type="checkbox"/> the common representative	
Name and Address KÖHLER, Inga Bützowstrasse 51 10407 Berlin Germany	State of Nationality DE
	State of Residence DE
	Telephone No.
	Facsimile No.
2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning: <input type="checkbox"/> the person <input type="checkbox"/> the name <input checked="" type="checkbox"/> the address <input type="checkbox"/> the nationality <input type="checkbox"/> the residence	
Name and Address KÖHLER, Inga Ebelingstrasse 7 10249 Berlin Germany	State of Nationality DE
	State of Residence DE
	Telephone No.
	Facsimile No.
3. Further observations, if necessary:	
4. A copy of this notification has been sent to: <input checked="" type="checkbox"/> the receiving Office <input checked="" type="checkbox"/> the designated Offices concerned <input type="checkbox"/> the International Searching Authority <input checked="" type="checkbox"/> the elected Offices concerned <input type="checkbox"/> the International Preliminary Examining Authority <input type="checkbox"/> other:	

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Jean-Luc MARTIN Telephone No.: (41-22) 338.83.38
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PATENT COOPERATION TREATY

EO/US
PCT/EP00/10043

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
US Department of Commerce
United States Patent and Trademark
Office, PCT
2011 South Clark Place Room
CP2/5C24
Arlington, VA 22202
ETATS-UNIS D'AMERIQUE
in its capacity as elected Office

Date of mailing: 26 April 2001 (26.04.01)	
International application No.: PCT/EP00/10043	Applicant's or agent's file reference: A-22109/PCT/A
International filing date: 12 October 2000 (12.10.00)	Priority date: 20 October 1999 (20.10.99)
Applicant: KÖHLER, Vivian et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International preliminary Examining Authority on:
15 February 2001 (15.02.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer: J. Zahra Telephone No.: (41-22) 338.83.38
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PATENT COOPERATION TREATY

PCT

From the INTERNATIONAL BUREAU

NOTICE INFORMING THE APPLICANT OF THE
COMMUNICATION OF THE INTERNATIONAL
APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

To:
CIBA SPECIALTY CHEMICALS HOLDING
INC.
Patentabteilung
Klybeckstrasse 141
CH-4057 Basel
SUISSE

PATENTS		LE 5
03. Mai 2001		
FAA	PATH	SES
✓	HP	WEI

Date of mailing (day/month/year) 26 April 2001 (26.04.01)		
Applicant's or agent's file reference A-22109/PCT/A		
IMPORTANT NOTICE		
International application No. PCT/EP00/10043 ✓	International filing date (day/month/year) 12 October 2000 (12.10.00)	Priority date (day/month/year) 20 October 1999 (20.10.99)
Applicant CIBA SPECIALTY CHEMICALS HOLDING INC. et al (= EP/P1)		

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this Notice:
AU, KP, KR, US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present Notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:
AE, AG, AL, AM, AP, AT, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CR, CU, CZ, DE, DK, DM, DZ, EA, EE, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NO, NZ, OA, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, UZ, VN, VU, YU.
The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).
3. Enclosed with this Notice is a copy of the international application as published by the International Bureau on 26 April 2001 (26.04.01) under No. WO 01/29093

REMINDER REGARDING CHAPTER II (Article 31(2)(a) and Rule 54.2)

If the applicant wishes to postpone entry into the national phase until 30 months (or later in some Offices) from the priority date, a demand for international preliminary examination must be filed with the competent International Preliminary Examining Authority before the expiration of 19 months from the priority date.

It is the applicant's sole responsibility to monitor the 19-month time limit.

Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination.

REMINDER REGARDING ENTRY INTO THE NATIONAL PHASE (Article 22 or 39(1))

If the applicant wishes to proceed with the international application in the national phase, he must, within 20 months or 30 months, or later in some Offices, perform the acts referred to therein before each designated or elected Office.

For further important information on the time limits and acts to be performed for entering the national phase, see the Annex to Form PCT/IB/301 (Notification of Receipt of Record Copy) and Volume II of the PCT Applicant's Guide.

The International Bureau of WIPO 34, chemin des Colombettes 1211 G neva 20, Switzerland	Authorized officer J. Zahra
Facsimile No. (41-22) 740.14.35	T leph ne No. (41-22) 338.83.38

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



14

Applicant's or agent's file reference A-22109/PCT/A	FOR FURTHER ACTION		See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/EP00/10043	International filing date (day/month/year) 12/10/2000	Priority date (day/month/year) 20/10/1999	
International Patent Classification (IPC) or national classification and IPC C08F2/50			
Applicant CIBA SPECIALTY CHEMICALS HOLDING INC. et al.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p style="margin-left: 40px;"><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p style="margin-left: 40px;">These annexes consist of a total of _____ sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input checked="" type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application 			
Date of submission of the demand 15/02/2001		Date of completion of this report 08.11.2001	
Name and mailing address of the international preliminary examining authority: European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized officer Simmerl, R Telephone No. +49 89 2399 8515	



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP00/10043

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):
Description, pages:

1-41 as originally filed

Claims, No.:

1-18 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP00/10043

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:
see separate sheet

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☐ all parts.
- ☒ the parts relating to claims Nos. 1-13,16,17.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims 10
	No: Claims 1-9,11-13,16,17
Inventive step (IS)	Yes: Claims
	No: Claims 1-13,16,17
Industrial applicability (IA)	Yes: Claims 1-18
	No: Claims

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP00/10043

2. Citations and explanations
s e separat she t

Ad section IV.:

1. The present set of claims lacks unity (Rule 13 PCT):
 - 1.1. Independent claims 1, 10, 11 and 16 deal with the photoinitiator suspension defined in claim 1, its preparation, a composition comprising said suspension and the use of said suspension. The special technical feature in the meaning of Rule 13.2 PCT is the suspension comprising components (a), (b) and (c).
 - 1.2. Independent claims 14 and 18 deal with the polymerization of the compositions according to claim 11 and a substrate coated with said composition. It is assumed that the substrate coating is not the monomeric composition but means the polymerized form thereof (see examples). The special technical feature in the meaning of Rule 13.2 PCT is the preparation of a polymeric coating which does no longer contain the components of the suspension according to claim 1.
 - 1.3. The special technical features of both inventions are apparently not the same. Moreover, they are not "corresponding" in the sense of Rule 13.2 PCT since the problem to be solved are different in both cases.

Ad section V.:

1. The subject-matter of claims 1-9, 11-13, 16 and 17 is not novel over (Art. 33(2) PCT):
 - (1) EP-A-0 386 650, claim 1, 3 and 9 and the example on top of page 13 in combination with page 3, lines 29/30 and page 4, line 56 ("IRGACURE" - photoinitiators can also be used according to the present application).
2. An inventive step (Art. 33(3) PCT) is not given since the above identified claims are not novel. Moreover, attention is drawn to (1), page 3, lines 31-33, which says that also the compositions according to (1) are "stable".
3. Claim 10 is novel since (1) does not explicitly mention the particle sizes (Art. 33(2)

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/EP00/10043

PCT). There is, however, no indication that said particle sizes are responsible for an inventive step (Art. 33(3) PCT). It is noted that also the compositions of (1) can be ground by means of a colloid mill (see page 4, lines 33/34).

4. Industrial Applicability (Art. 33(4) PCT): o.k.